

# Application for a Parental Order

Section 54 Human Fertilisation and Embryology Act 2008

Please complete this form using black ink

The notes on page 9 of this form will tell you what to do when you have completed the form.

If there is more than one child you must fill in a separate form for each child.

**Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.**

Cafcass - Children and Family Court Advisory and Support Service (in England); CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

## To be completed by the court

Name of court

Date received by the court

Date issued

Case number

Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).

If you have any concerns about giving your address or that of the child, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

## 1. About the child

The birth name of the child

First name

Middle name(s)

Surname

Date of birth

/   /

Gender ☐ Male ☐ Female

The address where the child was born

Postcode

The address where the child lives now

Postcode

The person(s) who have parental responsibility

*See notes on the last page*

The name(s) of the child if a Parental Order is made

The child has had their home with the applicants continuously since

/   /

## 2. About the applicants

### 1<sup>st</sup> Applicant

Your first name

Middle name(s)

Surname

Place of birth

Date of birth

  /   /    

Gender

☐

Male

☐

Female

Your occupation

Are you a genetic parent of the child?

☐

Yes

☐

No

Are you domiciled in the United Kingdom, Channel Islands or the Isle of Man?

☐

Yes

☐

No

### 2<sup>nd</sup> Applicant

Your first name

Middle name(s)

Surname

Place of birth

Date of birth

  /   /    

Gender

☐

Male

☐

Female

Your occupation

Are you a genetic parent of the child?

☐

Yes

☐

No

Are you domiciled in the United Kingdom, Channel Islands or the Isle of Man?

☐

Yes

☐

No

About the applicants (continued)

Both applicants

If you do not wish your address to be made known to the respondent, leave the address details blank and complete Confidential Address Form C8.

Address

Postcode

Home telephone number

Mobile telephone number

Have you lived at this address for more than 5 years?

☐ Yes

☐ No

If No, please provide details of all previous addresses you have lived at for the last 5 years.

## About the applicants (continued)

### Your solicitor's details

Do you have a  
solicitor acting for you?

☐

Yes

☐

No

If Yes, please give the following details

Your solicitor's name

Name of firm

Address

Postcode

Telephone number

Fax number

DX number

Solicitor's Reference

Fee account no.

## 3. About the birth parents

### The birth mother

Her full name

Her full address

Postcode

### The birth father (if any)

His full name

His full address

Postcode

## 4. Parental agreement

Does the birth mother agree to a Parental Order being made?

☐ Yes ☐ No

Does the birth father or other parent (if applicable) agree to a Parental Order being made?

☐ Yes ☐ No

- The agreement of the birth mother and father (where appropriate) is required, or must be dispensed with under one of the grounds listed below, before an order can be made.
- The child must be at least 6 weeks old when the agreement is given.

Will you be asking the court to dispense with the agreement of a birth parent?

☐ Yes ☐ No

If Yes, give the name(s) of the birth parent(s) whose agreement you wish to dispense with.

The grounds for dispensing with the agreement are

☐ the person(s) cannot be found

**or**

☐ the person(s) are incapable of giving agreement

Please provide a separate statement of facts you are using for dispensing with agreement (and copies for the respondent.)

**IMPORTANT:** The court will send a copy of your statement of facts to each respondent. If you intend to ask the court to keep your address confidential, you should make sure that the statement of facts does not include any information that could identify where you live.

## 5. General information

Has the child ever been looked after by a local authority or voluntary organisation?

☐ Yes ☐ No

If Yes,

- give the period during which this organisation has looked after the child
- give details of the organisation

Have there been, or are there any other court proceedings pending or in progress which concern this child?

☐ Yes ☐ No

If Yes, give details of the proceedings.

*Give the name of the court and the case number of the proceedings, if known.*

General information (continued)

To the best of your knowledge, have there been, or are there any court proceedings pending or in progress which concern any other children of the applicants' family?

☐ Yes ☐ No

If Yes, give details of the proceedings.

*Give the name of the court and the case number of the proceedings, if known.*

Is there a licensed treatment centre?

☐ Yes ☐ No

If Yes, give the name, address and any reference of the treatment centre.

Cases concerning a related child

☐ To the best of my knowledge, no proceedings relating to a full, half or step brother or sister of the child have been completed or commenced in any court

OR

☐ The following proceedings relating to a full, half or step brother or sister of the child have been completed/commenced (please, **attach a copy of the final order**)

Relationship to child (eg. sister, half-brother)	Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court	Case number (or serial number)

## 6. The respondents

The respondent(s) will be

- The woman who carried the child
- any other person who is a parent of the child but is not one of the applicants (including any man who is the father by virtue of section 35 or 36 of the 2008 Act or any woman who is a parent by virtue of section 42 or 43 of that Act)
- any person in whose favour there is provision for contact with the child
- any other persons or body with parental responsibility for the child at the date of the application.

You need not give details of the birth parent(s)

Please put the address where the respondent usually lives or can be served with papers  
You will have to serve a copy of this application and the other papers required on each of the respondents (including the birth parent(s))

The name of the respondent	The respondent's address

## 7. Declaration

**We declare that**

- we are married to each other and our marriage certificate is attached,  
**or**
- we are civil partners and our civil partnership certificate is attached,  
**or**
- we are living as partners in an enduring family relationship and are not within the prohibited degrees of relationship to each other
- that no money or other benefit (other than for expenses reasonably incurred) has been received or given by the applicants for or in consideration of the matters set out in section 54(6) of the Human Fertilisation and Embryology Act 2008
- a copy of the child's birth certificate is attached and the child is the person to whom the attached certified copy of the entry in the Register of Live Births relates
- the information we have given is correct and complete to the best of our knowledge

**We believe the facts stated on this form are true. Court proceedings may be brought against a person who makes or causes to be made, a false statement in a document.**

1<sup>st</sup> Applicant

**Signed**

Date    /    /

2<sup>nd</sup> Applicant

**Signed**

Date    /    /

## 9. Attending the court

Section N of the the booklet '**CB1 - Making an application - Children and the Family Courts**' provides information about attending court.

**If you require an interpreter, you must tell the court now so that one can be arranged.**

Do you or any of the parties need an interpreter at court?

☐ Yes ☐ No

If Yes, please specify the language and dialect:

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

☐ Yes ☐ No

If Yes, please say what the needs are

Please say whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements



## What you (the person applying) must do next

- Take or send this form to the court with a copy for service on each of the respondent(s) listed in Parts 3 and 6. The form will be kept by the court. the other copies will be given or sent back to you.
- You **must** send or take
  - the form of Acknowledgement (form C52)
  - a copy of this Application formto each respondent according to the Rules.

# Notes about parental responsibility, birth parents and prohibited degree of relationship

## Parental responsibility

Some people have 'parental responsibility' for a child. The law says what 'parental responsibility' is and which people have it. These people include:

- A** the birth mother
- B** the birth father  
if he was married to the child's birth mother when the child was born
- C** the birth father  
if he was **not** married to the child's birth mother when the child was born
  - but** registered the birth jointly with the child's birth mother
  - or** he now has a court order which gives him parental responsibility
  - or** he now has a formal 'parental responsibility agreement' with the child's birth mother
  - or** he has since married the child's birth mother
- D** a guardian of the child
- E** someone who holds a custody or residence order
- F** a local authority which has a care order
- G** someone who holds an emergency protection order
- H** any man or woman who has adopted the child
- I** the second female parent,  
if she was the civil partner of the child's birth mother when the child was born
- J** the second female parent  
if she was **not** the civil partner of the child's birth mother when the child was born
  - but** registered the birth jointly with the child's birth mother
  - or** she now has a court order which gives her parental responsibility
  - or** she now has a formal 'parental responsibility agreement' with the child's birth mother
  - or** she has since become the civil partner of the child's mother
- K** someone who has been appointed as a special guardian for the child

## Birth Parents

### The birth father is

- the man (whether or not he is the genetic father of the child) with whom a birth mother received treatment at a licensed treatment centre when he has given a notice to the responsible person stating that he consents to being treated as the father of the child and the birth mother has also given a notice that she consents to him being treated as the father of the child. This is provided no subsequent notices withdrawing consent have been given and provided the man and the woman are not within prohibited degree of relationship in relation to each other. (Sections 35 and 36 of the 2008 Act.)
- the husband of a birth mother whether or not he is the genetic father of the child.  
This does not apply if it can be shown that the husband did not consent to her treatment.

### The second female parent is

- the civil partner of a birth mother.  
This does not apply if it can be shown that she did not consent to her treatment.
- the woman with whom a birth mother received treatment at a licensed treatment centre when she has given a notice to the responsible person stating that she consents to being treated as the parent of the child and the birth mother has also given a notice that she consents to her being treated as the parent of the child. This is provided no subsequent notices withdrawing consent have been given and provided the birth mother and the woman are not within prohibited degree of relationship in relation to each other. (Sections 42 and 43 of the 2008 Act.)

## Prohibited degree of relationship

Two people are within the prohibited degree of relationship with each other if they share the following relationship:

Adoptive child	Grandparent
Adoptive parent	Grandchild
Child	Parent
Former adoptive child	Parent's sibling (aunt, uncle)
Former adoptive parent	Sibling (brother, sister, half-brother, half-sister)



